

McCORRISTON MILLER MUKAI MacKINNON LLP

ATTORNEYS AT LAW

FACSIMILE TRANSMITTAL

Account No.: 52727

FACSIMILE NO.: (415) 617-2409

TO: Ms. Julie Choi

FROM: Christopher J. Cole, Esq.

DATE: July 12, 2004

TIME:

TOTAL NUMBER OF PAGES SENT (including this page): 5 pages

RE: Unified Western Grocers, et al. v. Twin City Fire  
Insurance Company; Civil No. CV03-00336 HG BMK

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**TRANSMITTED HERewith IS/ARE THE FOLLOWING:**

Order Granting Plaintiff's Motion for Leave to Amend Complaint Filed March 23, 2004 and Plaintiff's Further Motion to Amend Complaint Filed June 3, 2004, filed on July 2, 2004 (In Re: Hawaiian Grocery Stores, Ltd. v. Mark J.C. Yee Civil Nos. 02-00164 HG BMK and 02-00668 HG BMK); and

**REMARKS:**

In discussing with Jon Steiner, he advised that he and John Rapp (counsel for VRG) are far apart on a stipulation to stay the state court lawsuit, but it is our intention to move for a stay if we cannot reach a stipulation. Filed amended complaints (yes, they were revised yet again) are being mailed to you separately.

**OPERATOR:** Joni S. AuYoung

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P. O. Box 2800  
Honolulu, Hawaii 96803-2800, Telephone: (808) 529-7300  
FAX: (808) 524-8293, Cable: "Attorneys Honolulu"

EXHIBIT" 2 "

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL - 2 2004

at 6 o'clock and 40 min. M.  
WALTER A.Y.H. CHINN, CLERK

PRICE OKAMOTO HIMENO & LUM

WARREN PRICE III 1212  
JOHN D. ZALEWSKI 4718  
Ocean View Center  
707 Richards Street, Suite 728  
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Attorneys for Defendant KPMG LLP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

In re

HAWAIIAN GROCERY STORES, LTD.,  
  
Debtor.

USDC No. CV 02-00164 HG BMK

Bankr. No. 99-05157  
(Chapter 7)

MARK J.C. YEE, Trustee for the  
Bankruptcy Estate of Hawaiian  
Grocery Stores, Ltd.,

Plaintiff,

vs.

UNIFIED WESTERN GROCERS, INC.,  
CERTIFIED GROCERS OF  
CALIFORNIA, LTD., and GROCERS  
SPECIALTY COMPANY, and KPMG,

Defendants.

Adv. No. 01-0079

ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO AMEND  
COMPLAINT FILED MARCH 23,  
2004 AND PLAINTIFF'S FURTHER  
MOTION TO AMEND COMPLAINT  
FILED JUNE 3, 2004

Trial: May 24, 2005

(CONSOLIDATED FOR DISCOVERY ONLY)

In re

HAWAIIAN GROCERY STORES, LTD.,  
a Hawaii Corporation,

Debtor.

USDC Civil No. 02-00668 HG BMK

[Bankr. Case No. 99-05157]  
[Chapter 7]

Bankr. Adv. No. 02-00057

RECEIVED

JUL - 9 2004

MARK J.C. YEE, Trustee for the  
Bankruptcy Estate of Hawaiian  
Grocery Stores, Ltd.,

Plaintiff,

vs.

UNIFIED WESTERN GROCERS, INC.,  
CERTIFIED GROCERS OF  
CALIFORNIA, LTD., GROCERS  
SPECIALTY COMPANY, RHL, INC.,  
ALFRED A. PLAMANN, CHARLES  
PILLITER, DANIEL T. BANE,  
ROBERT M. LING, DAVID A.  
WOODWARD, RICHARD H. LOEFFLER,  
FLETCHER ROBBE, SHEPPARD  
MULLIN RICHTER & HAMPTON,  
BRUCE BARBER, and DOES 1-10,

Defendants.

Trial: May 24, 2005

Hearings:

Date: May 17, 2004

Time: 2:00 p.m.

Judge: Hon. Barry M. Kurren

Date: May 28, 2004

Time: 2:15 p.m.

Judge: Hon. Barry M. Kurren

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE  
TO AMEND COMPLAINT FILED MARCH 23, 2004 AND PLAINTIFF'S  
FURTHER MOTION TO AMEND COMPLAINT FILED JUNE 3, 2004**

Plaintiff's Motion to Amend Complaint filed March 23, 2004, as amended, came on for hearing on May 17, 2004 at 2:00 p.m., Magistrate Barry Kurren presiding. R. Patrick Jaress appeared for Plaintiff Mark J.C. Yee, Trustee for the Bankruptcy Estate of Hawaiian Grocery Stores, Ltd. John Rapp appeared for Value Recovery Group. Jonathan H. Steiner appeared for Defendants Unified Western Grocers, Inc., Certified Western Grocers of California, Ltd. (nka Unified Western Grocers, Inc.), Grocers Specialty Company, et. al. John D. Zalewski appeared for Defendant KPMG. William A. Bordner appeared for Defendant Sheppard Millin Richter & Hampton, LLP. The Court directed that Plaintiff Yee revise the proposed amended pleading in an effort

to comply with concerns expressed by the Court and by Defendants. The matter came on for further hearing on May 28, 2004 at 2:15 p.m., with the same counsel appearing. The Court instructed Plaintiff to revise the pleading further to separate counts for Yee and Value Recovery Group to the extent there were any differences in the claims. Having considered the arguments and memorandum of the parties, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's motion, as amended, be granted and that Plaintiff may file an amended pleading, revised to reflect the concerns expressed by the Court at the hearings on May 17 and 28, 2004.

It is further ordered that depositions taken in this action shall count as depositions in Value Recovery Group, LP v. KPMG, et al., Civil No. 04-1-0355-029 (GWBC). There shall be no duplicative discovery. Persons deposed in one action shall not be re-deposed in another action.

DATED: Honolulu, Hawaii, JUL - 2 2004


**BARRY M. KURREN**


\_\_\_\_\_  
BARRY M. KURREN  
UNITED STATES MAGISTRATE JUDGE

Yee vs. Unified Western Grocers, Inc., et al.; CV Nos. 02-00164 & 02-00668 HG BMK; ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT FILED MARCH 23, 2004 AND PLAINTIFF'S MOTION TO AMEND COMPLAINT FILED JUNE 3, 2004

APPROVED AS TO FORM:

\_\_\_\_\_  
R. PATRICK JARESS  
RONALD K. KOTOSHIRODO  
Attorneys for Plaintiff MARK J.C.  
YEE, Trustee for the Bankruptcy  
Estate of HAWAIIAN GROCERY STORES, LTD

  
\_\_\_\_\_  
WILLIAM C. MCCORRISTON  
JONATHAN H. STEINER  
CHRISTOPHER J. COLE  
Attorneys for Defendants  
UNIFIED WESTERN GROCERS, INC.,  
CERTIFIED GROCERS OF CALIFORNIA, LTD.  
(Now known as UNIFIED WESTERN GROCERS,  
INC.) AND GROCERS SPECIALTY COMPANY,  
AND ALFRED A. PLAMANN, CHARLES PILLITER,  
DANIEL T. BANE, ROBERT M. LING and  
DAVID A. WOODWARD

  
\_\_\_\_\_  
WILLIAM A. BORDNER  
Attorney for Defendant SHEPPARD  
MULLIN RICHTER & HAMPTON in  
CV 02-00668 HG BMK

Yee vs. Unified Western Grocers, Inc., et al.; CV Nos. 02-00164 &  
02-00668 HG BMK; ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO  
AMEND COMPLAINT FILED MARCH 23, 2004 AND PLAINTIFF'S MOTION TO  
AMEND COMPLAINT FILED JUNE 3, 2004

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\*\*\* TX REPORT \*\*\*  
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McCORRISTON MILLER MUKAI MacKINNON LLP

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REMARKS: